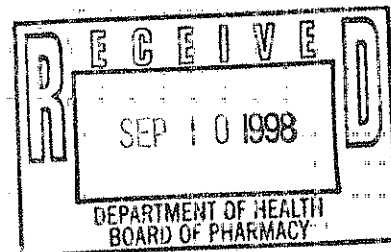


STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF HEALTH

Safe and Healthy Lives in Safe and Healthy Communities

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C96-259



In the matter of:
VITO EDWARD CASELNOVA, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, a notification was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") by the State of New York which states that Vito Edward Caselnova, M.D., Respondent, violated sections of the New York Statutes and Rules and Regulations enacted pursuant thereto. An investigation was conducted by Investigating Committee III, so called, of the Board.

The following constitutes the Investigating Committee's Findings of Facts with respect to the professional performance of the Respondent:

Findings of Fact

A. The State of New York charged the Respondent with violations of the Statutes of New York relating to the practice of medicine.

The Respondent received an Administrative Review Board Decision and Order from the State of New York stating the Respondent had violated Public Health Law §6530(9)(e), Article 33. The Respondent dispensed Vicodin to three (3) patients between November, 1989 and April, 1993 without preparing and maintaining a complete record containing the information required by Title 10 NYCRR §80.62(b). The hearing committee stated that the record established that the Respondent misused his controlled substance privileges in a way that placed patients in grave risk of harm.

1. FINE. The Respondent signed a Stipulation and Order of September 30, 1994 with the New York State Department of Health which provided for a Two Thousand Dollar (\$2,000) civil penalty, with One Thousand Five Hundred (\$1,500) stayed on the condition that the Respondent commits no further violations of Public Health Law Article 33 or 10 NYCRR Part 80.

2. LICENSE. Effective September 15, 1995, the Hearing Committee voted to suspend the Respondent's license to practice in New York State for two years, stayed the suspension and placed the Respondent on Probation. As condition of probation, the Committee prohibited the Respondent from prescribing controlled substances for two years.

3. CONTINUING EDUCATION. The Hearing committee voted that the Respondent complete forty hours of Continuing Medical Education concerning prescribing and dispensing of controlled substances.

B. The Board of Medical Licensure and Discipline alleges that the Respondent has violated Rhode Island General Laws 5-37-5.1 (21) for acts in the State of New York which are grounds for discipline in Rhode Island.

The parties agree as follows:

(a) The Respondent is a physician who is licensed in the State of Rhode Island, allopathic license number 4986.

(b) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(c) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee III of the Board and is subject to the final approval of the Board. This Consent Order is not binding on the Respondent until final ratification by the Board.

(d) Respondent hereby acknowledges and waives:

1. The right to appear personally or by counsel or both before the Board;
2. The right to produce witnesses and evidence in his behalf at a hearing;
3. The right to cross examine witnesses;
4. The right to have subpoenas issued by the Board;
5. The right to further procedural steps except for those specifically contained herein;

6. Any and all rights of appeal of this Consent Order;

7. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

8. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

9. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(e) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written findings of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(f) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

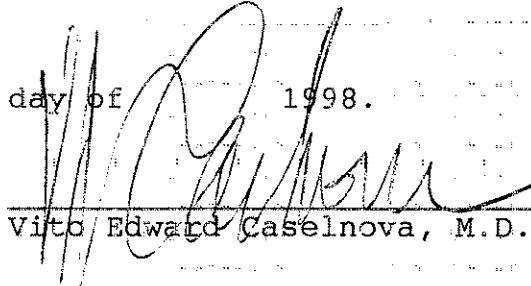
(g) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(h) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.


(i) Respondent voluntarily accepts the Board's finding of unprofessional conduct. Respondent must demonstrate to the Board that he has conformed to all of the terms of the Determination and Order of the state of New York.

Signed this

day of 1998.


Vito Edward Caselnova, M.D.

Ratified by the Board of Medical Licensure and Discipline at
a meeting held on September 9, 1998.


Patricia A. Nolan, MD, MPH
Director of Health
Chairperson
Board of Medical Licensure and
Discipline